IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

W.A.No.764 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 28-03-2005 in W.P.No.6440 of 2005 on the file of the High Court)

Between:

1 Gudla Hari Gupta, s/o late Satyanarayana,
r/o Gummalaxmipuram, Vizianagaram District.
2 Gudla Venkata Rao, s/o late Satyanarayana,
Main Road, r/o Gummalaxmipuram, Vizianagaram District.
3 Gudla Srinivasa Rao, s/o late Satyanarayana,
Main Road, r/o Gummalaxmipuram, Vizianagaram District.

….. APPELLANTS

AND

1 The Special Deputy Collector (T.W.) Elwinpeta, Vizianagaram District.
2 The Mandal Revenue Officer, Gummalakshimipuram,
Vizianagaram District.

…..RESPONDENTS

For the appellants : Sri K.V.Subrahmanya Narusu, Advocate

For the Respondents : Govt. Pleader for Social Welfare

The Court delivered the following:

W.A.No.764 of 2005

HCJ, & BSSR, J

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

Challenge in this appeal is to the order passed by the learned single Judge dismissing the appellants' writ petition.

Appellants in the writ petition had questioned the order passed in O.P.No.5 of 2000 on 03rd May, 2003 by the Special Deputy Collector (TW), Elwinpeta, Vizianagaram district, passing a decree for ejectment of appellants from the scheduled land. Admittedly, the said order is appealable to the Agent to the Government and the District Collector, Vizianagaram. The case of petitioners – appellants is that they are not aware of the said order, order was now received by them and, they became aware of the order only after death of their father and when the notice was issued by

the second respondent dated 19th November, 2004. Instead of preferring the appeal, writ petition was filed, and learned single Judge dismissed the writ petition on that ground.

Having heard learned counsel for the appellants and learned Government Pleader for respondents, we are of the view that while reserving liberty to the appellants to prefer appeal and challenge the order dated 03rd May, 2003 passed by the Special Deputy Collector (TW), Elwinpeta, Vizianagaram district, before the Agent to the Government, writ petition has to be dismissed directing *status quo* to be maintained till the matter is taken up for consideration by the Agent.

Accordingly, we allow the appeal and set aside the impugned order and dismiss the writ petition with liberty reserved to the appellants to prefer appeal against the order impugned in the writ petition within a period of thirty days from today with further direction that *status quo* as on today shall continue to be maintained in respect of the property in question till the matter is taken up for consideration by the Agent to the Government.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

31-03-2005

bsc

To

1 The Special Deputy Collector (T.W.) Elwinpeta, Vizianagaram District.
2 The Mandal Revenue Officer, Gummalakshimipuram,
Vizianagaram District.

3. 2 CCs to Govt. Pleader for Social Welfare, High Court buildings,

Hyderabad (OUT)

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